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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/595,887

05/18/2006

Edward David Anstee

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MCKEE, VOORHEES & SEASE, P.L.C.
801 GRAND AVENUE
SUITE 3200
DES MOINES, IA 50309-2721

EXAMINER

BRITTAIN, JAMES R

ART UNIT

PAPER NUMBER

3677

MAIL DATE

DELIVERY MODE

01/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/595,887	Applicant(s) ANSTEE, EDWARD DAVID	
	Examiner James R. Brittain	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 18 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 13-16 and 18-21 is/are rejected.
- 7) ☒ Claim(s) 11, 12 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>05182006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 18 recites the limitation "said first and second moulded body parts" in line 3.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 9, 10 and 13 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Levitt (US 701586).

Levitt (figure 2) teaches a coupling member including a body portion formed with a hook; a closure shaft, D, slidably mounted in a first axial direction in the body for movement between open and closed positions; and a locking member, F, carried by the closure shaft and being movable between locked and unlocked positions, the arrangement being such that when the locking member is in its locked position, it prevents movement of the closure shaft from its closed position. The tube, E, inherently acts as a grip or actuator for moving the closure shaft. The head includes the handle, G, and a portion of the pin, F, extending into the tube, E, so that a portion of the head, defined as only a portion of the pin, F, extending into the tube, E, is slidably mounted.

Claim 21 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Straw (US 275537).

Straw (figures 1, 2) teaches coupling member including: a body portion formed with a hook having a terminal portion; a closure shaft, C, slidably mounted in the body for movement between open and closed positions; biasing means, D, for biasing the closure shaft towards its closed position characterized in that the terminal portion of the hook includes a bore and wherein a free end of the closure shaft is located in the bore when it is in its closed position.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levitt (US 701586) in view of Straw (US 275537).

Levitt (figure 2) teaches a coupling member including a body portion formed with a hook; a closure shaft, D, slidably mounted in a first axial direction in the body for movement between open and closed positions; and a locking member, F, carried by the closure shaft and being movable between locked and unlocked positions, the arrangement being such that when the locking member is in its locked position, it prevents movement of the closure shaft from its closed position. The difference is that the terminal portion of the hook lacks a bore to receive the closure shaft. Straw (figures 1, 2) teaches coupling member including: a body portion formed with a hook having a terminal portion; a closure shaft, C, slidably mounted in the body for movement between open and closed positions; biasing means, D, for biasing the closure shaft towards its closed position characterized in that the terminal portion of the hook includes a bore and wherein a free end of the closure shaft is located in the bore when it is in its closed position thereby making the coupling member more stable. Therefore, it would have been obvious to modify the coupling member of Levitt to have a bore in the terminal portion of the hook as taught by Straw so as to receive the closure shaft and make the hook stronger.

Claims 4, 5, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levitt (US 701586) in view of Pericle (US 1521387)

Levitt (figure 2) teaches a coupling member including a body portion formed with a hook; a closure shaft, D, slidably mounted in a first axial direction in the body for movement

between open and closed positions; and a locking member, F, carried by the closure shaft and being movable between locked and unlocked positions, the arrangement being such that when the locking member is in its locked position, it prevents movement of the closure shaft from its closed position. The difference is that the terminal portion of the hook lacks a blind recess to receive the closure shaft. Pericle (figure 1) teaches coupling member structure with blind bore 14 to receive the end of the closure shaft so as to provide more stability. Therefore, it would have been obvious to modify the coupling member of Levitt to have a blind recess in the terminal portion of the hook as taught by Pericle so as to receive the closure shaft and make the hook stronger.

Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levitt (US 701586) in view of Shaw (US 553137).

Levitt (figure 2) teaches a coupling member including a body portion formed with a hook; a closure shaft, D, slidably mounted in a first axial direction in the body for movement between open and closed positions; and a locking member, F, carried by the closure shaft and being movable between locked and unlocked positions, the arrangement being such that when the locking member is in its locked position, it prevents movement of the closure shaft from its closed position. The difference is that the device is one-piece. To make the device of molded parts and put them together would have been obvious in view of Shaw (figures 1-3) teaching such a construction.

Allowable Subject Matter

Claims 11, 12 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 18-20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. LaViolette et al. (US 4372016, figures 1, 7, 21) teach pertinent hook structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (571) 272-7065. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. Gay can be reached on (571) 272-7029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James R. Brittain/
Primary Examiner
Art Unit 3677

JRB